



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,193	09/10/2001	Klas Kristrom	SUNDS-123	2388

7590 12/05/2002

Lerner David Littenberg
Krumholz & Mentlik
600 South Avenue West
Westfield, NJ 07090

EXAMINER

NGUYEN, TUAN N

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936193

Applicant(s)

Kristrom et al.

Examiner

Tuan Nguyen

Art Unit

3653



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/10/01
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 - 22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10 - 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

Art Unit: 3653

DETAILED ACTION

1. The disclosure is objected to because of the following informalities: On page 8, line 1, "7" should read --9--; beginning on page 6, a screen housing is repeatedly reciting as "T"; but Fig. 1 shows it as "1"; applicants should be consistent with one reference numeral.

Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 10-17, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Holz.

Holz discloses an apparatus for separating a fiber suspension comprising a housing 12; a stator 32 mounted centrally within the housing; a rotary screen 26 rotatably mounted between the housing and the stator; a screen chamber 30; an accept chamber 46; an inlet 14 for providing the fiber suspension to the screen chamber; a reject outlet 18; and an accept outlet 16. The stator includes at least one barrier member 50 extending radially from the stator to the rotary screen whereby the accepted fiber suspension is substantially prevented from tangentially passing the at least one barrier member and the barrier member creates a pulse through the rotary screen. The barrier member includes a pulse surface facing the screen and the pulse surface having a shape

Art Unit: 3653

such that the distance between the pulse surface and the screen decreases in the direction of rotation of the screen.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holz.

Holz does not disclose a plurality of 2 to 8 barrier members, and does not disclose a minimum distance between the barrier member and the screen from 4 to 10 mm.

However, it would have been obvious to one skill in the art to modify the stator of Holz to have 2 to 8 barrier members and to have a minimum distance between the barrier member and the screen from 4 to 10 mm since discovering an optimum or workable ranges involve only routine skill in the art. In re Aller, 105 USPQ 233.

Art Unit: 3653

6. The IDS (PTO-1449) filed on September 10, 2001 has been considered. A copy is attached hereto.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gero, Egan, III et al., Einoder and Ljokkoi are cited to show other pertinent art.

8. Any inquiry concerning this communication should be directed to Examiner Tuan Nguyen at telephone number (703) 308-3664.



TUAN N. NGUYEN
PRIMARY EXAMINER

11/29/02

tnn,

November 29, 2002.